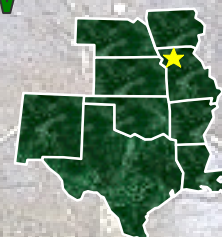


Central Region Review



U.S. Army Environmental Center Central Regional Office Kansas City, Missouri



★ MARCH 2000 ★

★ REGIONS VI & VII ★

*Environmental Legislative Actions, Proposed Rules, Final Rules, Emergency Rules, and Judicial Decisions
for the States in Federal Regions VI and VII.*

GENERAL INFORMATION

Kansas Department of Health and Education (KDHE) Pollution Prevention Year 2000 Awards and Recognition. KDHE presents Pollution Prevention Awards annually to those individuals, communities or community groups, businesses and industries who have made a significant impact in protecting the environment by preventing pollution. KDHE recognizes organizations that demonstrate exceptional leadership in environmental stewardship in four categories: (1) Education/Communication, (2) New Initiatives, (3) New Technologies, and (4) Cooperative Efforts. Applications for the 2000 Pollution Prevention Awards must be received by 30 June 2000 at 5:00 p.m. *For more information about the awards, please contact the Office of Planning and Prevention, KDHE, at (785) 296-0669.*

Federal Strategic Environmental Research and Development Program (SERDP). The objective of SERDP is to provide environmental research and development funds through competition. There are two announcements for each solicitation for the government and the private sector that compete for the SERDP funds. The first announcement is a Broad Agency Announcement for the private sector, and the second is a Call for Proposals for the federal sector. The primary annual solicitation is released in mid-November each year. The solicitation for fiscal year 2001 was published on 17 November 1999. Pre-proposals from the private sector were due on or before 13 January 2000, and the solicitation closed on 16 March 2000. Federal agencies and organizations wishing to participate need to contact their respective member of the Executive Working Group for detailed instructions and specific deadlines. *These names and phone numbers can be obtained by calling SERDP at (703) 696-2127 or by visiting their web site at <http://www.serdp.org/general/about/contacts/contacts.html>. Further information for both private and federal parties may be found at <http://www.serdp.org/>.*

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ASSISTANCE INFORMATION

U.S. Environmental Protection Agency (U.S. EPA) Web Site. A new web site that contains information derived from air permits on planned construction at new or modified facilities, pollution prevention, and control technology was made available 9 February 2000 on the U.S. EPA's Clean Air Technology Center at <http://www.epa.gov/ttn/catc/>. The Clearinghouse web site now allows users to perform searches, and allows state and local agencies to enter information directly on the web site. The web site also includes summary information on air regulations and allows users to interactively query the permit database and the regulation database.

TRAINING INFORMATION

Military Munitions Rule 2 (MR2) Computer-Based Training (CBT). Release of the MR2 CBT is scheduled for March 2000. The course is designed for U.S. Department of Defense (DoD) military and civilian personnel who work with waste military munitions (WMM). This instruction will provide advice regarding when military munitions may become waste and specific methods to conduct WMM operations that will be consistent on all military installations. Inspections, storage, transportation, production, permitting, disposal and recycling are a few examples of ammunition operations. Note that this course is only accessible in CD-ROM format, and it replaces the MR1 CBT. To order the CBT course, please visit the Defense Ammunition Center (DAC) web site at <http://www.dac.army.mil/as/>. For additional information, please contact Gail Ruffin, DAC, at (918) 420-8818 (DSN 956), or e-mail ruffin@dac-emh2.army.mil.

U.S. EPA Emergency Planning and Community Right-to-Know Act (EPCRA) Toxicity Release Inventory (TRI) Training. The U.S. EPA has announced a series of EPCRA/TRI training workshops to take place during the spring of 2000 (65 *Federal Register* [FR] 10083). These workshops are intended to assist persons preparing annual reports on release and other waste management activities as required under EPCRA Section 313 and Section 6607 of the Pollution Prevention Act. For further information, please contact Michael Hart, U.S. EPA, at (202) 260-1576, or e-mail hart.michael@epa.gov. To register for training, please contact Science Applications International Corporation (<http://www.EPCRA-TRI.com>) at (703) 318-4504, fax to (703) 318-4644, or e-mail Training@EPCRA-TRI.com.

DoD EPCRA TRI – Data Delivery System Training. This day-and-a-half training session, geared toward command and installation personnel responsible for EPCRA training and reporting, will assist those responsible for meeting new EPCRA TRI reporting requirements for munitions operations (i.e., open burning and open detonation) which are required in July 2000 for 1999. The following workshops are being offered: (1) Using the TRI Data Delivery System to Calculate EPCRA Chemical Use and Release (**21-22 March 2000 in Bethesda, Maryland**) and (2) Applying EPCRA Section 313 to Army Munitions Activities (**28-29 March 2000 in Sacramento, California**). For more information or to register for the training, please contact Mike Eck, U.S. Army Environmental Center (USAEC), at (410) 436-1227 (DSN 584-1227), or email michael.eck@aec.apgea.army.mil. You may also contact the Radian point of contact, Kristen Velz, at (423) 220-8262, or e-mail kristen_velz@radian.com.

Pollution Prevention Operations and Management – Satellite Broadcast Course. The Air Force Institute of Technology (AFIT) Civil Engineer and Services School is offering a five-day Pollution Prevention Program Operations and Management course (# ENV 022) on both **27-31 March 2000 and 17-21 July 2000**. The course is designed to emphasize pollution prevention concepts such as source reduction of hazardous and toxic chemicals, solvent substitutions, reuses and recycling, process changes, and environmental awareness. Additionally, the course introduces management techniques that can be utilized to implement a sound pollution prevention program, including (1) establishing and running the program, (2) conducting pollution prevention opportunity assessments, (3) implementing process changes to incorporate pollution prevention, (4) assessing pollution prevention program Success, and (5) establishing awareness training.

For further information, please contact AFIT/CEA at (937) 255-2156 (DSN 786). Additional details on this course and others offered by the AFIT Civil Engineer and Services School can be obtained on the Internet at <http://cess.afit.af.mil/>. Please note that this course is only offered through satellite broadcast, and registration closes 40 days prior to the broadcast.

Resource Conservation and Recovery Act (RCRA) Corrective Action Workshop on Results-Based Project Management. This workshop is offered by the U.S. EPA's Corrective Action Programs Branch, Office of Solid Waste. The goal of this workshop is to share tools and approaches focused on efficiently achieving

"Environmental Indicators" and Final Remedies at facilities subject to RCRA Corrective Action. The Region VI Workshop will be held **28-31 March 2000** at the Fairmont Hotel in **Dallas, Texas**. The Region VII Workshop will be held **13-16 June 2000** in **Kansas City, Missouri**. The following web site describes the conference and permits on-screen registration: <http://www.correctiveactionwksp.org/>.

KDHE Dry Cleaning Workshops. KDHE is offering Dry Cleaning Workshops **4-5 April 2000** at the Sedgwick County Health Department in **Wichita, Kansas**. For more information, please contact Nancy Larson at (316) 268-8475.

Safe Drinking Water Act (SDWA) Transient Non-Community Drinking Water Systems. U.S. EPA Region X and the Bureau of Land Management National Applied Resources Science Center are offering a training course on the SDWA for federal, state and local government owners and operators of transient, non-community water supplies. The course is specifically tailored to address regulatory requirements, best management practices and common sense approaches for these small systems. The SDWA training will be presented **5-6 April 2000** at U.S. EPA's Region X Office in **Seattle, Washington**. For more information, please contact Michele Wright at (202) 553-1747. Class size is limited, so you must pre-register.

U.S. EPA Region VI – Environmental Response Training Program (ERTP). U.S. EPA Region VI is offering the following upcoming environmental response training courses:

- Hazardous Materials Incident Response Operations **17-21 April 2000**
- Sampling for Hazardous Materials **16-18 May 2000.**

ERTP course information is available at U.S. EPA's Training Exchange web site at <http://www.trainex.org/>. To register for a class or for more information on courses offered by U.S. EPA Region VI, contact Keith Reddick, U.S. EPA Region VI, at (214) 665-8338, fax to (214) 665-7447, or e-mail redrick.Keith@epamail.epa.gov.

U.S. EPA Region VII – ERTPT. U.S. EPA Region VII is offering the following upcoming environmental response training courses:

- Chemistry for Environmental Professionals **11-14 April 2000**
- Sampling for Hazardous Materials **11-14 April 2000**
- Hazardous Materials Incident Response Operations **1-5 May 2000**
- Emergency Response to Hazardous Material Incidents **8-12 May 2000.**

ERTP course information is available at U.S. EPA's Training Exchange web site at <http://www.trainex.org/>. To get a list of all training opportunities currently available through U.S. EPA Region VII, or for more information on classes, contact Evelyn Van Goethem, U.S. EPA Region VII, at (913) 551-7659, fax to (913) 551-7145, or e-mail vangoethem.evelyn@epa.gov. To register for a class, contact the Training Registrar at (513) 251-7776 or (513) 251-7669, fax to (513) 251-4137, or e-mail embryk@ttnus.com.

Risk Communication Workshops. The U.S. Army Center for Health Promotion and Preventive Medicine's (CHPPM) Risk Communication program will be conducting the following risk communication workshops:

Introductory Classes

- **2-4 May 2000** **Baltimore, Maryland**
- **6-8 June 2000** **Seattle, Washington**
- **22-24 August 2000** **Baltimore, Maryland**

Advanced Classes

- **10-13 April 2000** **San Antonio, Texas**
- **17-20 July 2000** **Baltimore, Maryland.**

Additional information is available on the Internet at <http://chppm-www.apgea.army.mil/hrarcp/pages/index.html>. For further information or a workshop application, please contact Laura Hoover, CHPPM, at (410) 436-7715.

Operations and Maintenance (O&M) Management Workshop. This workshop is presented by the U.S. Department of Energy's Federal Energy Management Program in cooperation with Pacific Northwest National

Laboratory. The workshop, which will be held **25-26 April 2000** in **Boston, Massachusetts**, is designed to provide an overview of O&M technologies, practices and management programs to help attendees identify their programs' strengths and weaknesses. Workshop topics include (1) O&M Definitions, (2) Component Life-Cycles, (3) Types of Maintenance Programs (reactive, preventive, and predictive), (4) Types of Maintenance Technologies (thermography, vibration analysis, oil analysis, etc.), and (5) O&M Ideas for Savings. *For more information or to register for the O&M Management Workshop, please contact Nicole Roy at (509) 372-4368, fax to (509) 372-4990, or e-mail femp.train@pnl.gov. Information is also available on the Internet at <http://www.pnl.gov/femp/>.*

CONFERENCES AND SEMINARS

Army Affirmative Procurement Implementation Seminar. The Army CHPPM Ground Water and Solid Waste Program is available to provide a one-day seminar on affirmative procurement at the installation or Army activity level. The course is geared toward individuals in the procurement, contracting, environmental and logistics fields, credit card holders and product users. Seminar topics include (1) affirmative procurement requirements and Executive Order 13101, (2) to whom it applies, (3) what items are included, (4) who is tracking all this and how, (5) achieving compliance – what U.S. EPA will be looking for, (6) importance of buying recycled items, (7) environmentally preferable purchasing, (8) balancing costs and benefits, (9) toxic reductions, (10) recycled content, (11) energy savings, (12) safety, (13) disposal, (14) quality of product, (15) how the Federal Acquisition Regulations incorporate affirmative procurement, and (16) how to write contracts to include affirmative procurement and recycling requirements. *For further information, please contact John Bauer, CHPPM, at (410) 436-2024 (DSN 584), or e-mail john.bauer@apq.amedd.army.mil.*

KDHE Recycling and Composting WORKS! Conference and Training Workshops. KDHE's sixth annual solid waste management Recycling and Composting WORKS! Conference will be held **21-23 March 2000** at Bethany College Campus in **Lindsborg, Kansas**. This year's theme is *Partnering to Make a Difference in the 2000's*. The conference will feature recycling and composting demonstrations; interactive panel sessions; keynote speakers; a full day of pre-conference recycling, composting and source reduction training for beginners and experienced personnel; and special grant workshops. *For exhibitor, demonstrator, sponsor or registration information, please contact Cathy Colglazier, Bureau of Waste Management, KDHE, at 1-800-282-9790.*

26th Environmental Symposium and Exhibition. The Environmental Systems Division of the National Defense Industrial Association, in cooperation with the Deputy Under Secretary of Defense (Environmental Security) and the Deputy Assistant Secretary of the Navy (Environment and Safety), will be hosting the 26th Environmental Symposium at the Long Beach Convention Center in **Long Beach, California**, on **27-30 March 2000**. The theme for this year's Symposium and Exhibition will focus on the impact of DoD activities on the global environment. Service workshops, technology seminars, and contract pre-solicitation briefings will be available for both government and industry attendees. The goal of the symposium will be to examine the global environmental issues and see how they concern and relate to the mission of sustaining DoD readiness. *For more information, please visit the following web site: <http://www.ndia.org/events/brochure/044/044.htm>.*

Nebraska Department of Environmental Quality (NDEQ) Great Plains Waste Management Conference/Industrial and Hazardous Waste Workshop. NDEQ is sponsoring the Great Plains Waste Management Conference **29-30 March 2000** in **Omaha, Nebraska**. An Industrial and Hazardous Waste Workshop will be presented on the first day of the conference.

U.S. EPA HAZMAT 2000 Spills Prevention Conference. This U.S. EPA conference is being held at the Regal Riverfront Hotel in **St. Louis, Missouri**, on **4-6 April 2000**. The conference will offer the most up-to-date information on chemical accident prevention, counter-terrorism, special event planning, risk communication, EPCRA, integrated contingency plans, ammonia refrigeration awareness training, and Computer-Aided Management of Emergency Operations training. *For additional information, please call (703) 934-3760 or e-mail hazmat2000@nrt.org. More details are available on the Internet at <http://www.nrt.org/hazmat2000/>.*

Unexploded Ordnance (UXO) Forum and Countermining Symposium and Exhibition. The UXO Forum and the Countermining Symposium, which will examine the technologies, issues and policies surrounding the UXO and countermining arena, will be held at the Anaheim Marriott in **Anaheim, California**, on **2-4 May 2000**. Abstracts are currently being solicited on the following topics: detection, clearance, disposal, active range clearance policy and environmental security policy. *The abstract submission deadline was 14 January 2000. For additional information on the conference, please contact Jeff Purdy at (703) 704-2784, or e-mail TheForum@nvl.army.mil. Details are also*

available on the Internet at <http://www.denix.osd.mil/TheForum>. Finally, you can request information by sending an e-mail to TheForum@tva.gov or by phoning 1-888-808-5303.

U.S. Geological Survey (USGS) DoD Environmental Conservation Conference. The USGS is sponsoring another in its long-running series of annual conferences dealing with environmental conservation activities related to DoD installations and activities. This year's conference will be held **2-5 May 2000** in **San Diego, California**. The conference will utilize both DoD and USGS speakers to articulate the needs of DoD and to highlight the capabilities and accomplishments of the USGS across a broad range of environmental issues in military and related settings. It is a great opportunity to contact individuals that bring a wide range of innovative science to the table, and the format of the conference is designed to foster just such one-on-one interactions. For further information, please contact William Herb, USGS Liaison to the USAEC, at (410) 436-7096, or e-mail william.herb@aec.apgea.army.mil. The USGS web site is at <http://www.usgs.gov/>.

2000 Real World Air Conference. FORSCOM and the Army CHPPM are partnering to conduct the second Real World Air Conference on **15-18 May 2000** at the Sheraton Atlanta Hotel in **Atlanta, Georgia**. The conference is intended to address current air pollution issues affecting federal facilities. Potential technical session topics include pollution prevention, particulate matter (both PM10 and PM2.5), National Emission Standards for Hazardous Air Pollutants (NESHAPs), regional pollutant transport, ozone-depleting chemicals, sampling methods, open burning/open detonation, EPCRA, air pollution health issues, legal issues, ISO 14000, and geographical information system applications. Conference information and online registration are available on the Internet at <http://chppm-www.apgea.army.mil/air/airconf/confhome.htm>. For further information, contact Ilani Donley, Conference Coordinator, at (410) 436-8113, or e-mail ilani.donley@apg.amedd.army.mil; or contact Rochelle Williams, FORSCOM, at (404) 464-7695, or e-mail williaro@FORSCOM.army.mil; or contact Sherri Hutchens, CHPPM, at (410) 436-8149, or e-mail sherri.hutchens@apg.amedd.army.mil.

DoD Water/Wastewater System Management Workshops. USAEC and the Army Installation Support Center are sponsoring a workshop on water and wastewater system management. Training and instruction included in the workshop will focus on (1) use of the water and wastewater assessment protocols developed to assess the capability of the systems to meet regulatory requirements, (2) key components of cross-connection control and wellhead protection programs, and (3) use of the Model Schedule of Services designed to assist personnel at military installations. The workshop content is intended for installation personnel whose responsibilities encompass the management of water/wastewater systems, implementation of wellhead protection, and/or cross-connection control. This workshop is scheduled for two dates and locations: **24-27 May 2000** in **Atlanta, Georgia**, and **7-10 June 2000** in **Denver, Colorado**. To register or to obtain additional information, please contact Hans Graven at (703) 643-2962, or e-mail RAScoWS@aol.com.

KDHE's Year 2000 Environmental Conference. This conference will be held **12-13 September 2000** at the Capitol Plaza Hotel and Expocentre in **Topeka, Kansas**. The conference will feature a keynote speaker, concurrent sessions, seminars with a focus on pollution prevention (including case studies), and regulatory changes. There will also be an exhibition. For more information, please contact Janet Neff, Office of Planning and Prevention, KDHE, at (785) 296-0669.

FEDERAL ACTIONS

U.S. EPA FINAL RULES

Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Commercial Hazardous Waste Combustor Subcategory of the Waste Combustors Point Source Category (65 FR 4360, 27 January 2000; 40 Code of Federal Regulations [CFR] Part 444).

This rule limits the discharge of pollutants into navigable waters of the United States and the introduction of pollutants into publicly owned treatment works by existing and new stand-alone commercial hazardous waste combustors that incinerate waste received from offsite. This rule generally applies to hazardous waste combustion facilities (except cement kilns) regulated as "incinerators" or "boilers and industrial furnaces" under RCRA under certain circumstances. This rule was effective 28 February 2000. For additional technical information, please contact Samantha Lewis, U.S. EPA, at (202) 260-7149. For additional economic information, please contact William Anderson, U.S. EPA, at (202) 260-5131.

National Primary Drinking Water Regulations for Lead and Copper (65 FR 1949, 12 January 2000; 40 CFR 9). The U.S. EPA has made minor changes to the Lead and Copper Rule. These minor revisions streamline requirements, promote consistent national implementation and, in many cases, reduce the burden for water systems. The minor revisions do not change the action levels for lead and copper, or the Maximum Contaminant Level Goals established by the 1991 Lead and Copper Rule. This rule is effective 11 April 2000. *The text of the final rule may be viewed at <http://www.epa.gov/fedrgstr/U.S.EPA-WATER/2000/January/Day-12/w3.htm>. For further information, please contact Judy Lebowish, Office of Ground Water and Drinking Water, U.S. EPA, at (202) 260-7595.*

U.S. EPA ADVANCED NOTICE OF PROPOSED RULEMAKING

Corrective Action Management Units (CAMU). On 11 February 2000, the U.S. EPA and several environmental organizations reached a settlement agreement on the pending litigation over CAMU regulation for remediation waste under RCRA. The settlement calls for U.S. EPA to propose amendments to the existing CAMU rule by 7 August 2000, and to publish a final rule by 8 October 2001. Amendments to the 1993 CAMU rule specified in the settlement would establish CAMU-specific treatment and design standards. *Copies of the U.S. EPA press statement and the settlement agreement are available on the Internet at <http://www.epa.gov/epaoswer/osw/cleanup.htm#camu>. For further information, please contact the RCRA, Superfund, and EPCRA Hotline at 1-800-424-9346.*

Sanitary Sewer Overflows. The U.S. EPA expects to propose a rule in April 2000 to address sanitary sewer overflows, which are unpermitted discharges that are illegal under the Clean Water Act (CWA) even though they are often unavoidable. At the same time, the agency will publish guidance that will reflect the proposal.

Simplified Handling of Solvent-Contaminated Rags. The U.S. EPA may propose a regulation later this fiscal year allowing conditional exemptions under hazardous waste law to the handling of rags, wipes and shop towels used to apply solvents. The agency may permit the rags to be treated as solid rather than hazardous waste. Two options are being considered. Under the first option, a conditional exemption would be granted if the wipes and towels are stored in labeled, closed containers and if, prior to off-site transport, they do not release any liquid when rung. The materials would have to go to an industrial laundry or state-authorized solid waste facility. The U.S. EPA is currently recommending the adoption of Massachusetts' "one drop test," which says if a generating facility wrings out a shop towel and "one drop" of liquid results, then it is releasing liquid and would not qualify for the exemption.

The second option is more prescriptive in how the wipes are disposed or recycled. For instance, the rags must be shown to contain less than 5 grams of solvent per wipe and not contain certain solvents listed in a yet-to-be-determined table. Industrial laundries could only receive a certain amount of the solvent-contaminated towels annually and must receive assurance that the towels containing hazardous solvents are dry before entering the laundering process.

U.S. EPA/DoD GUIDANCE

Field Guide for Lead-Based Paint Disposal. In conjunction with the U.S. EPA, the DoD recently issued a field guide for use by both agencies in evaluating the presence of lead-based paint at DoD residential real property scheduled for disposition under the base realignment and closure (BRAC) program. This policy supercedes formally issued memoranda on lead-based paint, and all requirements of the new document were effective 20 March 2000. *To view or download the document, please visit <http://www.dtic.mil/envirodod/envdocs.html>.*

REGION VI STATE ACTIVITY

ARKANSAS

Legislative/Regulatory Activity

STATE OF ARKANSAS LEGISLATIVE ACTIVITY

The next regular session begins in January 2001, although Committees will continue to meet during the interim.

STATE OF ARKANSAS PROPOSED RULE

Administrative Procedures (Regulation 8) and Regulation for the Fee System for Environmental Permits (Regulation 9). This proposed rulemaking regarding Regulation 8 would establish regulatory procedures for administering and enforcing the “bad actor” provisions of state law regarding issuance of permits. The proposal would establish criteria for denial of environmental permits to applicants who have a history of violation of environmental laws or regulations in the previous 10 years, or who fail to properly disclose their compliance history. After considering comments received during the 5 October 1999 public hearing, the Arkansas Pollution Control and Ecology Commission authorized the drafting of a second set of proposed changes to Regulation 8 and submitting of the new revisions to the public participation and comment process. A public hearing was held 14 March 2000.

After adoption of changes to Regulation 9, it was discovered that the word “major” was mistakenly substituted for “minor” in Section 9.605(B). The Commission’s emergency action changed the word “major” back to “minor,” and the new proposed revision would make the change permanent. A public hearing was held 14 March 2000.

Comments on the proposed new versions of Regulations 8 and 9 must be received no later than 4:30 p.m. 28 March 2000. *The proposed new revisions can be viewed on the Arkansas Department of Environmental Quality (ADEQ) web site at <http://www.adeq.state.ar.us/>.*

Counsel Comment: The Central Regional Environmental Office (CREO) is actively following this proposed rule. It is actively working with other federal agencies to develop alternate language that, in specific regard to the federal government, would look at the history of each installation separately, rather than all federal facilities located in the state as a whole. The CREO point of contact is Bart Ives, who can be contacted at (816) 983-3450.

[NOTE: General information regarding ADEQ and its various programs, including access to draft and final regulations, is available on the Department’s web site at <http://www.adeq.state.ar.us/>.]

LOUISIANA

Legislative/Regulatory Activity

STATE OF LOUISIANA LEGISLATIVE ACTIVITY

The next regular Legislative session begins in April 2000.

STATE OF LOUISIANA FINAL RULES

Air Fee Revisions (Louisiana Administrative Code [LAC] 33:III.207, 209, 211, 223; published 20 February 2000). The Louisiana Department of Environmental Quality (LDEQ) has adopted revisions to its air fee regulations. The purpose of the proposal was to incorporate fees for industry categories not previously in the Fee Schedule, but for which fees have previously been established under the negotiated fee procedures of the fee regulations. The proposal also included changes intended to make the rule easier to interpret. The effective date of this rule was 20 February 2000. *For further information, please contact Steve Sky-Peck, LDEQ, at (504) 765-0399.*

Chemical Accident Prevention Revisions: Air, Risk Management Programs (LAC 33:III.5901; published 20 January 2000). LDEQ has adopted a rule which will exempt from the chemical accident prevention program (1) storers of liquefied petroleum gas whose facilities are permitted and inspected by the Louisiana Liquefied Petroleum Gas Commission, and (2) storers of liquified petroleum gas who use it as a fuel in an agricultural process. The effective date of this rule was 20 January 2000. *For further information, please contact Steve Sky-Peck, LDEQ, at (504) 765-0399.*

Adoption of RCRA IX Package (LAC 33:V; published 20 February 2000). LDEQ has adopted an update to its hazardous waste regulations. The revisions are identical to the federal amendments included in the RCRA IX package. These amendments include the following topics: (1) petroleum refining process wastes, (2) Phase IV - zinc micronutrient fertilizers, (3) emergency revisions for the land disposal restrictions (LDRs) for carbamate productions wastes, (4) extension of the LDR compliance date for characteristic slags, (5) post-closure requirements, (6) technical amendments to the Universal Waste Rule, (7) organic air emission standards, and (8) leachate exemption for petroleum refining process wastes. The effective date of this rule was 20 February 2000. *For further information, please contact Patsy Deaville, LDEQ, at (225) 765-0382.*

STATE OF LOUISIANA PROPOSED RULE

State Implementation Plan (SIP) Revisions: Amendments to Contingency Plans for Several

Parishes. LDEQ is proposing to amend the SIPs with regard to the following areas: Beauregard Parish, Grant Parish, Lafayette Parish, Orelans Consolidated Metropolitan Statistical Area, and St. Mary Parish. The contingency plan for each area will be revised to identify that the triggering event that will cause the implementation of contingency measures will be an actual monitored ozone violation of the National Ambient Air Quality Standards and not determined to be attributable to transport. A public hearing will be held 27 March 2000, and written comments will be accepted until 3 April 2000. *For more information, please contact Annette Sharp, LDEQ, at (225) 765-0219.*

STATE OF LOUISIANA GUIDANCE

Air Quality Modeling of Ambient Air. LDEQ has posted revised guidance for conducting air quality modeling of the ambient air on the Internet at <http://www.deq.state.la.us/misc/whatsnew.stm>. The guidance is designed to streamline modeling methods and to minimize the amount of computer time needed to run programs. *For further information, please contact LDEQ at (225) 765-0219.*

[NOTE: Current regulatory information from LDEQ, including notices of intent, emergency rules, and final rules, can be found on LDEQ's web site at <http://www.deq.state.la.us/>. Click on "Rules and Regulations" and "Additions to the Louisiana Register."]

NEW MEXICO

Legislative/Regulatory Activity

The New Mexico Legislature convened on 18 January 2000, and adjourned 17 February 2000.

STATE OF NEW MEXICO LEGISLATIVE ACTIVITY

House Bill (H.B.) 113 – Hazardous Waste. This bill removes authority of the Environmental Improvement Board to require financial assurance from federal government facilities with regard to treatment, storage, or disposal of hazardous waste. It is reported that prospects for this bill's passage are unclear.

H.B. 270 – Pollution Prevention. This bill allows the NMED to develop and administer a pollution prevention program. The bill requires the Secretary of Environment to establish rules to carry out the purposes of the program, and makes records pursuant to the program generally available to the public. This bill was referred to the House Judiciary Committee 11 February 2000, and failed to pass before adjournment on 17 February 2000.

H.B. 390 – Scrap Tires. This bill increases annual tire recycling fees for various motor vehicles. The bill, which was referred to the Senate Finance Committee after being passed by the House, was withdrawn from the Committee 16 February 2000. The bill failed to pass prior to adjournment 17 February 2000.

H.B. 420 – Water Conservation. This bill establishes state regional water banks for deposit and lease of conserved water, surplus water, and water currently not put to beneficial use that the owner agrees not to use for the term of deposit. The bill requires banks to function as clearinghouses for temporary transfers of water and as depositories for state purchased water, conserved water, and surplus water stored in designated reservoirs. The bill, which was referred to the House Energy and Natural Resources and Judiciary Committees on 4 February 2000, failed to pass prior to adjournment on 17 February 2000.

H.B. 433 – Inspection and Maintenance Programs. This bill deletes provisions requiring vehicles to pass emission inspection and maintenance (I&M) testing in order to register vehicles. The bill re-asserts the municipality's authority to adopt a voluntary or mandatory vehicle emission inspection program. It is reported that this bill is likely to be considered further. The bill, which was referred to the Senate Corporations and Transportation Committee 16 February 2000 after being passed by the House, failed to pass prior to adjournment 17 February 2000.

H.B. 478 – Hazardous Waste, Recycling (Auto Fluids). This bill grants NMED and the Environmental Improvement Board the authority to maintain, develop, and enforce rules and standards for liquid waste, including exclusive authority to collect on-site liquid waste system fees. Language amending the bill on 14 February 2000 strikes the technical amendments made 11 and 13 February 2000. The bill was passed by both the House and

Senate with strong bipartisan support, and it is reported that Governor Gary Johnson (R) is likely to sign the bill. The Companion Bill is Senate Bill (S.B.) 414.

S.B. 184 – Hazardous Waste. This bill removes the Hazardous Waste Act's applicability to mixed wastes pursuant to the Waste Isolation Pilot Plant Land Withdrawal Amendment Act. It is reported that prospects for this bill's passage are unclear.

S.B. 323 – Water, Groundwater. This bill establishes regional water banks for deposit and lease of conserved water, surplus water, and water currently not put to beneficial use that the owner agrees not to use for the term of deposit. The bill requires banks to function as clearinghouses for temporary transfers of water and as depositories for state purchased water, conserved water, and surplus water stored in designated reservoirs. It is reported that prospects for this bill's passage are unclear.

S.B. 414 – Hazardous Waste. This bill grants NMED and the Environmental Improvement Board the authority to maintain, develop, and enforce rules and standards for liquid waste, including exclusive authority to collect on-site liquid waste system fees. Language amending the bill on 11 and 13 February 2000 was technical in nature. The bill, which was withdrawn from the Senate Conservation Committee and re-referred to the Committee on 15 February 2000, failed to pass prior to adjournment 17 February 2000. The Companion Bill is H.B. 478.

STATE OF NEW MEXICO FINAL RULES

Underground Storage Tanks (USTs) (11 New Mexico Administrative Code [NMAC] 19; published 14 January 2000). UST regulations have been amended by a final rule issued by the state Environmental Improvement Board. The rule revises provisions governing registration; annual fees; release detection, reporting, investigation and confirmation; out-of-service systems and closure; financial responsibility; administrative review; corrective action for UST systems containing petroleum products and other regulated substances; certification of tank installers; corrective action fund use and expenditures; and contractor qualifications. This rule was effective 2 February 2000. *For more information, please contact Anna Richards, NMED, at (505) 827-0158.*

USTs: Corrective Action (20 NMAC 5; published 14 January 2000). NMED has adopted revisions to its UST regulations. The most important change is the incorporation of a form of risk-based corrective action. Because the Department does not currently have the authority to rescind its statewide cleanup standards, it will be necessary to obtain a variance from NMED to do a risk-based cleanup. NMED also incorporated provisions for natural attenuation monitoring. Finally, the rule consolidates all the applicable definitions into Part 5.1, clarifies registration of tanks when there is a change of ownership, and clarifies release reporting requirements. This rule was effective 2 February 2000. *For further information, please contact Anna Richards, NMED, (505) 827-0158.*

Triennial Review of Water Quality Standards (20 NMAC 6.1; published 14 February 2000). NMED has adopted amendments to its water quality standards based on the review. The amendments update the surface water quality standards to reflect the current understanding of New Mexico surface water quality concerns and issues. NMED also adopted language changes to reduce potential ambiguity in policy statements and standards. This rule was effective 23 February 2000. *For further information, please contact Steven Pierce, NMED, at (505) 827-2800.*

STATE OF NEW MEXICO PROPOSED RULE

RCRA Adoption Packages 5, 6, 7 and 8 (20 NMAC; published 14 February 2000). NMED is proposing to adopt all hazardous waste rules published in the *Federal Register* from July 1994 to June 1998. The Department is adopting all of these packages now, in part, at the request of federal facilities in the state which want the state to adopt the munitions disposal rule contained in RCRA 7. The Department will adopt the munitions rule in its entirety. Other major amendments included in these packages are used oil rules and LDRs Phase IV. NMED is also planning to exclude from its current RCRA adoptions those provisions which are solely enforced by the U.S. EPA, such as international barge shipments. This is being done at the U.S. EPA's request. A public hearing was held 14 March 2000, and written comments will be accepted until 24 March 2000. *For further information, please contact Robert Dinwiddie, NMED, at (505) 827-1561, ext. 1039.*

[NOTE: General information regarding NMED and its various programs, including regulations and permitting, is available on NMED's web site at <http://www.nmenv.state.nm.us/frhome.html>.]

The Oklahoma Legislature convened on 7 February 2000.

STATE OF OKLAHOMA LEGISLATIVE ACTIVITY

H.B. 1887 – Waste. This bill regulates and amends licensing requirements related to biochemical waste. A public hearing on the bill was held 25 January 2000 – the sponsor was the only speaker. The bill failed to meet the Committee reporting deadline 25 February 2000. A copy of the bill is available at http://www.lsb.state.ok.us/1999-00HB/HB1887_int.rtf.

H.B. 2344 – Scrap Tires. This bill prohibits waste tire facilities from charging a fee for the disposal or recycling of waste tires regardless of whether the waste tire recycling fee has been assessed at the time of collection. A hearing was held and the bill reported from the House Energy, Environment and Natural Resources Committee “do pass” on 8 February 2000. It is reported that the bill is likely to be passed by the House. A copy of the bill is available at http://www.lsb.state.ok.us/1999-00HB/HB2344_int.rtf.

H.B. 2720 – Solid Waste, Landfill/Incinerator Bans. This bill prohibits the Oklahoma Department of Environmental Quality (ODEQ) from issuing permits for the siting of a new municipal solid waste landfill in locations that are in close proximity to a locally fractured or cavernous limestone or cherty limestone bedrock that is in or over an aquifer classified as high or very high in vulnerability level under the Oklahoma Groundwater Quality Standards. The bill also defines “karst area.” The House passed this bill (96 to 0) on 10 February 2000, and it is reported that prospects for Senate consideration of the bill are favorable. A copy of this bill is available at http://www2.lsb.state.ok.us/1999-00HB/hb2720_enqr.rtf.

S.B. 216 – Environmental Administrative Procedures, Hazardous Waste. This bill increases the hazardous waste disposal fee generated within the state of Oklahoma from \$9.00 per ton to \$50.00 per ton for on-site or off-site storage, treatment or land disposal. The bill, which was referred to the Senate Energy, Environmental Resources and Regulatory Affairs on 2 February 2000, failed to meet the Committee reporting deadline 25 February 2000. It is reported that prospects for this bill's passage are unclear. No action has been taken on the bill since its referral in February 1999.

S.B. 860 – Solid Waste, Landfill/Incineration Bans. This bill prohibits ODEQ from issuing permits for new siting or expansion of municipal solid waste landfills located in or over karst terrain and which are a principal groundwater resource or recharge area as determined by the Oklahoma Geological Survey. The bill, which was introduced and referred to the Senate Energy and Environmental Resources and Regulatory Affairs Committee on 7 February 2000, was voted out of Committee on 24 February 2000. It is reported that prospects for this bill's consideration are favorable. A copy of the bill is available at http://www.lsb.state.ok.us/1999-00SB/SB860_int.rtf.

S.B. 861 – Voluntary Remediation, Environmental Administrative Procedures. This bill prohibits ODEQ from seeking administrative or civil penalties against a regulated entity when (1) the entity voluntarily and promptly discloses noncompliance with state environmental statutes or rules before ODEQ has notice of noncompliance, (2) the noncompliance is not deliberate or intentional, (3) the noncompliance occurs despite the entity's good faith attempt to comply with the statutes and rules, (4) the entity took immediate and reasonable action to correct the noncompliance upon discovery, (5) the entity has taken, or has agreed to take, complete remedial action, (6) the entity has not received a significant economic or competitive advantage as a result of the noncompliance, (7) the entity must disclose information to the public if the noncompliance creates a danger to health and human safety, and (8) the entity provides proof of compliance with the above conditions. The bill also allows ODEQ to consider the good faith efforts of the regulated entity in assessing or reducing administrative or civil penalties. It is reported that prospects for this bill's consideration are favorable. A public hearing was held 17 February 2000 and the bill set on Senate General Order 28 February 2000. A copy of the bill is available at http://www.lsb.state.ok.us/1999-00SB/SB861_int.rtf.

S.B. 1223 – Solid Waste. This bill raises the penalty for violation of solid waste standards from \$500 per day to \$1000 per day. A hearing was held and the bill reported from the Senate Energy, Environmental Resources and Regulatory Affairs Committee “do pass” on 24 February 2000. It is reported that prospects for this bill's passage are favorable. A copy of the bill is available at http://www.lsb.state.ok.us/1999-00SB/SB1223_int.rtf.

STATE OF OKLAHOMA FINAL RULE

Registration, Emission Inventory and Annual Operating Fees (Oklahoma Administrative Code [OAC] 252:100-5; published 18 January 2000). This rule allows ODEQ to bill annual operating fees on a flexible schedule allowing the fees to be based on more recent emission data. The rule also requires a facility to report excess emissions on their annual emission inventory. Other changes include (1) requiring inventories to be submitted one month earlier, (2) allowing fee payers five years to notify the Department of overpayment, and (3) reducing the period of time to six months in which data or calculation methods can be challenged. *For further information, please contact Jeanette Buttram, ODEQ, at (405) 702-4100.*

Counsel Comment: This rule, which was approved by the Oklahoma Environmental Quality Board on 25 February 2000, will become effective no later than 1 July 2000.

STATE OF OKLAHOMA PROPOSED RULES

Excess Emission and Malfunctioning Reporting Requirements (OAC 252:100-9; published 18 January 2000). The amendments to subchapter 9 are part of ODEQ's rewrite/dewrong process to clarify and simplify the rule, and make grammatical and typographical corrections. Substantive changes include requiring any written notice or report submitted for excess emissions to contain a certification of truth, accuracy and completeness. Additional demonstration requirements for malfunctions, and startup/shutdown were added under proposed section 252:100-9-3-2, which include placing the burden on the owner or operator of proving that excess emissions occurring more than 1.5 percent of a process' operation time in a calendar quarter are not indicative of inadequate design, operation or maintenance. Language was added to explain that compliance with this subchapter will not exempt sources from complying with any applicable federal requirement. Language was also added to require reasonable steps to be taken to minimize the impact of excess emissions without requiring the use or installation of additional stand-by or redundant pollution control equipment not otherwise required. *For further information, please contact Jeanette Buttram, ODEQ, at (405) 702-4100.*

Counsel Comment: This proposed rule is scheduled to go before the Oklahoma Air Quality Council on 19 April 2000. Should the Council approve the rule, it will go before the Oklahoma Environmental Quality Board in June 2000. If approved by the Board, the rule is anticipated to be effective in early 2001.

Additional Generator Requirements (OAC 252:205-5); Additional Treatment, Storage, Disposal and Recycling Requirements (OAC 252:205-9). The proposed revisions to Subchapter 5 involve moving language from 252:205-5-5(b) to 252:205-5-3(b)(5). With this change, the latter paragraph will read "Oklahoma large quantity generators shall submit copies of manifests signed by receiving facilities for wastes transported outside the United States." And 252:205-5 will read "All large quantity generators shall include the disposal plan number on the Hazardous Waste Manifest before offering hazardous waste for shipment." The amendment to 252:205-9-6 adds the following language regarding waste characterization issues for off-site hazardous waste facilities: "Alternatively, the owner/operator must obtain supporting technical documentation (e.g., Material Safety Data Sheets, laboratory analyses, process description, etc.) from the original generator (or other source which has actual knowledge of waste characteristics) which adequately identifies the waste for the purpose of appropriately treating, storing, disposing or recycling the waste. If the alternative information is adequate, laboratory analysis will not be required." *For further information, please contact Tammy Johnson, ODEQ, at (405) 702-5183.*

Industrial Wastewater Systems (OAC 252:616; published 15 November 1999). This rulemaking action is part of ODEQ's re-right/de-wrong process. Regarding Chapter 616, changes were made to simplify and clarify requirements, remove unenforceable language and add requirements for land application associated with industrial wastewater systems from a separate chapter to provide a consolidated source for industrial wastewater system requirements. Due to these changes, Chapter 615, Industrial Wastewater Systems, is being revoked in a separate rulemaking and replaced with Chapter 616. *For further information, please contact Shellie Chard, Water Quality Division, ODEQ, at (405) 702-8100.*

Public Water Supply Operation (OAC 252:631; published 15 November 1999). This rulemaking action is part of ODEQ's re-right/de-wrong process. Regarding Chapter 631, changes were made to simplify and clarify requirements, remove unenforceable language and add new federal requirements. Due to these changes, Chapter 630, Public Water Supply Operation, is being revoked in a separate rulemaking and replaced with Chapter 631. *For further information, please contact Shellie Chard, Water Quality Division, ODEQ, at (405) 702-8100.*

Waterworks and Wastewater Works Operator Certification (OAC 252:2, 252:700, 252:710; published 1 November 1999). The proposed Chapter 710 is a comprehensive rewrite of Chapter 700 (Waterworks and Wastewater Works Operator Certification) existing rules, with numerous changes. Revisions include new subchapters and revocation of the rules for landfill operator certification. The proposed rules are in accordance with *Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems* adopted by the U.S. EPA under the federal SDWA. Chapter 700 is being revoked under a separate rulemaking. *For further information, please contact Chris Wisniewski, ODEQ, at (405) 702-8100, or e-mail chris.wisniewski@deqmail.state.ok.us.*

Fees (Subchapter 23). This rulemaking reduces and eliminates some of the on-site sewage disposal fees and certified installer fees. The fees that are affected will be offset by re-allocating funding from appropriations. *For further information, please contact David Freede, ODEQ, at (405) 702-6222, or e-mail david.freede@deqmail.state.ok.us.*

STATE OF OKLAHOMA PROPOSED EMERGENCY RULES

Adoption of Federal Rules (OAC 252:205-3). The purpose of the proposed amendments to 252:205-3-1 are to adopt by reference the federal hazardous waste regulations found at 40 CFR, revised as of 1 July 1999. Proposed revisions to 252:205-3-3 involve incorporating new or superseding amendments to 40 CFR contained in 64 FR 36465-36490 (6 July 1999), which adds hazardous waste lamps as a universal waste at the federal level. At the 13 January 2000 ODEQ Hazardous Waste Management Advisory Council Meeting, a motion to set forth 252:205-3 as an emergency rulemaking action was passed. *For further information, please contact Pamela Green, ODEQ, at (405) 702-5172.*

Verification of Brownfields Projects (OAC 252:220-9). The proposed language is the result of recent legislation and states the criteria by which ODEQ will verify eligibility of Brownfields sites for applying for loans from the Wastewater Facility Construction Revolving Loan Account and other state funding sources. At the 13 January 2000 ODEQ Hazardous Waste Management Advisory Council Meeting, a motion to set forth 252:220-9 as an emergency rulemaking action was passed. *For further information, please contact Catherine Sharp, ODEQ, at (405) 702-5151.*

[NOTE: General information regarding ODEQ and its various programs, including access to rules and regulations, is available on ODEQ's web site at <http://www.deq.state.ok.us/>.]

TEXAS

Legislative/Regulatory Activity

STATE OF TEXAS LEGISLATIVE ACTIVITY

The next regular session begins in January 2001. The Legislature will treat 2000 as an interim session and will meet in Committees to discuss various issues. No agenda has yet been set.

STATE OF TEXAS FINAL RULES

Timeframe for Notice of Decision (30 Texas Administrative Code [TAC] 1; published 28 January 2000). The Texas Natural Resources and Conservation Commission (TNRCC) has adopted a rulemaking to conform to the provisions of recently adopted legislation (S.B. 211) which adds three days to the period in which a party is presumed to have been notified of a decision that may become final in a contested case hearing when notice is sent via first class mail. This rule was effective 3 February 2000. *For further information, please contact Jim Dodds, TNRCC, at (512) 239-1119.*

Quadrennial Review of Chapter 118 (30 TAC 118; published 25 February 2000). TNRCC has adopted a quadrennial review of Chapter 118, concerning planning and response to emergency air pollution episodes. The Commission has determined that the need for the chapter continues to exist. This rule was effective 5 March 2000. *For further information, please contact Barry Irwin, TNRCC, at (512) 239-1461.*

STATE OF TEXAS PROPOSED RULES

New Upsets Reporting Requirements (30 TAC 101; published 28 January 2000). TNRCC is proposing a rulemaking that will contain new requirements for submitting records of upsets and specify conditions under which an upset would be considered unavoidable. The amendments will require the reporting of all excess emissions from upsets. Currently, only upsets that exceed a threshold amount ("reportable quantity") must be reported. *For further information, please contact Beecher Cameron, TNRCC, at (512) 239-1495.*

Counsel Comment: The comment period for this proposal closed 2 March 2000. The U.S. EPA advised TNRCC of the U.S. EPA's position that the phrase "reasonably unavoidable" found in the current regulation was too vague; therefore, the U.S. EPA required these proposed amendments. The language of this proposal "tracks" the language of U.S. EPA internal policy on this subject. Industry in Texas strongly opposes the proposed new language and has filed many comments with TNRCC stating their opposition. TNRCC will be making a decision on how to proceed, if at all, on this new language within the next 30 days.

Quadrennial Review of Chapter 104, Bond Certification Criteria for Air Pollution (30 TAC 104; published 17 March 2000). TNRCC is proposing to repeal Chapter 104. The enabling Texas statute does not require TNRCC to have implementing regulations, but does allow it to "prescribe necessary criteria and procedures for certifying a control facility." Should the need arise again in the future, TNRCC may issue certifications under the Texas Clean Air Act Financing Act without the use of such criteria or procedures. However, since the federal Tax Code no longer provides for a bonding program, the rules review team anticipates no further need for these certifications. A public hearing is scheduled for 11 April 2000, and written comments are due by 17 April 2000.

Quadrennial Review of Chapter 106, Exemptions from Permitting (30 TAC 106). This rulemaking consists of a quadrennial review of Chapter 106, without amendments or changes. The staff proposes incorporating this review into the second phase of the implementation of S.B. 766. The proposal agenda is 22 March 2000, and the adoption agenda will be in July 2000. *For more information, please contact Beecher Cameron, TNRCC, at (512) 239-1495.*

Counsel Comment: No Army installations are anticipated to be affected. The Texas Legislature requires, every six years, that TNRCC review its regulations to see if a need for the same still exists. In this case, TNRCC has determined that a need still exists for these regulations. A recommendation by TNRCC stating the same has been forwarded to the Texas Attorney General's Office.

Hospital/Medical/Infectious Waste Incinerator (HMIWI) Rules (30 TAC 113; published 25 February 2000). This rulemaking, along with its companion project (Rule Log Number 1999-012-111-AI), will rescind the existing Medical Waste Incinerator rules in Chapter 111 (which are more stringent than the federal rule with regards to opacity), adopt new HMIWI rules in Chapter 113, and revise the State Plan for the Control of Designated Facilities and Pollutants in accordance with the federal HMIWI Emissions Guidelines (40 CFR Part 60, Subpart Ce) adopted September 15, 1998. The emissions to be controlled in the new proposed regulations include opacity, PM, carbon monoxide, HCl, dioxins/furans, oxides of nitrogen, sulfur dioxide, mercury, lead, and cadmium. As with the existing regulations, the level of control for each type of emission will be based on the size of the incinerator unit. One control system is not prescribed over another. A public hearing is scheduled for 21 March 2000, and comments must be received by 5:00 p.m. 27 March 2000. *For further information, please contact Alan Henderson, Office of Environmental Policy, Analysis, and Assessment, TNRCC, at (512) 239-1510.*

Counsel Comment: The only Army facility which may be impacted is Fort Hood-Darnell. This rule has been especially contentious; if approved, the anticipated effective date for this proposed rule is 12 June 2000.

Maximum Achievable Control Technology (MACT) V Cluster Rules (30 TAC 113; published 25 February 2000). This rulemaking will incorporate, by reference, 34 new and amended federal MACT standards for the control of hazardous air pollutant emissions. This rulemaking represents the fifth phase of rules to adopt the federal MACT standards. A public hearing is scheduled for 20 March 2000. Comments must be received by 5:00 p.m. 27 March 2000. *For further information, please contact Alan Henderson, Office of Environmental Policy, Analysis, and Assessment, TNRCC, at (512) 239-1510; or contact Steve Hagle, Air Permits Division, TNRCC, at (512) 239-1295.*

Counsel Comment: The purpose of the proposal is to make these MACT standards enforceable by both the federal and state government. This package of MACT standards includes SOCMI, perchlorate for dry cleaning facilities,

chrome emissions from chrome electroplating, oil/water separators and hazardous waste combustors. The anticipated effective date for this proposed rule is 25 June 2000.

East Texas Regional Gasoline Program (30 TAC 114). This proposed rule would limit the per gallon volume percent of methyl tertiary-butyl ether (MTBE) in all gasoline in 95 central and eastern Texas counties to current levels and will require gasoline producers and importers to register with the agency. Suppliers must certify that any increases in the MTBE level of their fuel must be a result of market forces and not an attempt to conform to the low Reid vapor pressure (RVP) requirements. MTBE has been used in the Dallas/Forth Worth and Houston/Galveston areas since 1994. The proposed rule will require all parties in the gasoline distribution chain (producers, importers, terminals, pipelines, truckers, rail carriers, and retailers) to maintain copies of the transfer documents. The proposed rule will remove the U.S. EPA's concerns regarding the enforceability of the program and local concerns regarding the possible increase in the use of MTBE as a result of lowering RVP. In addition, the proposed rule will remove the state controls on sulfur which have been preempted by more stringent federal regulations. Public hearings are scheduled for 22 and 23 March 2000. Comments must be received by 5:00 p.m. 27 March 2000. Adoption is expected at the 5 April 2000 agenda. *For further information, please contact Bob Reese, TNRCC, at (512) 239-1439; or contact Alan Henderson, TNRCC, at (512) 239-1510; or contact Bill Jordan, TNRCC, at (512) 239-2583.*

Elimination of Catalytic Converter Removal Waiver (30 TAC 114; published 28 January 2000). TNRCC is proposing to amend its rules regarding anti-tampering provisions for emission control equipment on motor vehicles. The amendment will remove a current exemption for owners who believe the continued operation of certain emission control equipment will result in a clear danger to persons or property. *For more information, please contact Alan Henderson, TNRCC, at (512) 239-1510.*

Quadrennial Review of Chapter 117, Control of Air Pollution from Nitrogen Compounds (30 TAC 117). This rulemaking consists of a quadrennial review of Chapter 117, without amendments. Because certain sections of Chapter 117 are currently open and are expected to be controversial, the staff recommends that any regulatory reform efforts or amendments resulting from rule review be delayed until the sections currently open are closed. Comments must be submitted by 5:00 p.m. 27 March 2000. The adoption agenda is scheduled to be 17 May 2000. *For more information, please contact Beecher Cameron, TNRCC, at (512) 239-1495.*

Landfill Rules (30 TAC 281.18; published 25 February 2000). This rule would implement a portion of recent legislation (S.B. 486) that would amend the maximum time an applicant has to submit information TNRCC needs to declare a solid waste facility permit application administratively complete. The proposal will delete the current 270-day maximum response time with a maximum time of 90 days. Comments must be received by 5:00 p.m. 27 March 2000. *For further information, please contact Ray Henry Austin, TNRCC, at (512) 239-6814.*

Triennial Review of Surface Water Quality Standards (30 TAC 307; published 4 February 2000). TNRCC is proposing amendments based on a triennial review of its water quality standards. Proposed revisions include (1) incorporating new sampling data in site-specific standards, (2) changing variance procedures so that they will reduce red tape and be approvable by the U.S. EPA, (3) revisions to improve implementation of the antidegradation policy, and (4) revising the standards implementation procedures to incorporate federal requirements for National Pollutant Discharge Elimination System (NPDES) permitting. The proposal includes new standards for the pesticides atrazine (3 parts per billion [ppb]) and perchlorate (22 ppb). At the same time, TNRCC is proposing revisions to the implementation procedures it uses to apply the standards through wastewater discharge permits. The implementation procedures are contained in a draft guidance document entitled *Procedures to Implement the Texas Surface Water Quality Standards in TPDES Discharge Permits (IPs)*. A public hearing on both proposals will be held 21 March 2000, and written comments will be accepted until 5 p.m. 31 March 2000. *For further information, please contact Jim Davenport, TNRCC, at (512) 239-4585.*

Quadrennial Review of Chapter 327, Spill Prevention and Control (30 TAC 327). This rulemaking consists of a quadrennial review of Chapter 327. Adoption will be by August 2000. *For more information, please contact Gary Trim, TNRCC, at (512) 239-6708.*

Section 303(d) List. The period for submitting comments on the draft 2000 Section 303(d) list (requested in the *Texas Register* 14 January 2000) closed on 28 February 2000. TNRCC must submit its final list to the U.S. EPA by 1 April 2000. A copy of the list is available on TNRCC's web site at <http://www.tnrcc.state.tx.us/>. TNRCC is currently working with the Texas Clean Rivers Program to prepare for six public meetings on the new list, to be held in a variety of cities in the affected basins. These basins are all members of Group A (north and east Texas), which is

the only group being assessed for this revision of the list. Attendees may comment on proposed revisions for any of the basins at any of these meetings.

Northeast Texas Flexible Attainment Region SIP. The Northeast Texas Flexible Attainment Region Memorandum of Agreement calls for the immediate implementation of SIP measures to occur. The Agreed Order will allow for the quantifiable and enforceable revisions to the SIP which the affected party agreed to implement in order to reduce voluntary organic compound emissions to improve the local air quality. The Agreed Order to require implementation of these measures to meet SIP enforceability requirements will need to be developed and submitted in conjunction with or before publication of this proposal. A public hearing was held 2 March 2000. *For further information, please contact Heather Evans, SIP Development Section, TNRCC, at (512) 239-1970.*

STATE OF TEXAS DISCUSSIONS

Military Munitions Rule. TNRCC's proposed Military Munitions Rule is expected by the end of 2000. The Commission is expected to adopt the federal rule in its entirety by reference or by equivalent rules. *For more information, please contact Ray Henry Austin, TNRCC, at (512) 239-6814.*

Compliance Assurance Monitoring (CAM) Requirements (30 TAC 122). TNRCC is developing a rulemaking to provide the regulatory structure necessary to implement CAM and create a streamlined implementation option for sources subject to CAM. The streamlined implementation option will be based on the use of general operating permits to establish CAM options for sources subject to 40 CFR 64. The package will enable holders of Title V permits to conveniently incorporate CAM requirements into their federal operating permits. Similar procedures to allow the implementation of Periodic Monitoring through GOPs will also be established. The CAM package was proposed at the 24 February 2000 agenda. A public hearing is scheduled for 13 April 2000, and written comments are due that same date. *For further information, please contact Beecher Cameron, TNRCC, at (512) 239-1495; or contact L'Oreal Stepney, TNRCC, at (512) 239-1321.*

Industrial Hazardous Waste Recycling Rules. TNRCC is developing revisions to its industrial hazardous waste recycling rules. The revisions will correct inconsistencies between federal and state recycling rules and will add cross-referencing to help identify those parts of the regulations that concern recycling. The revisions will also add criteria under which a nonhazardous waste that is to be recycled via land application can escape regulation as a waste. The rulemaking will also expand the number of exemptions from the definition of solid waste under 30 TAC 335.1(119). The amendments would exempt materials from solid waste regulations if they are recycled by being applied to or placed on the land. Materials must meet eight criteria to be eligible for the exemption. TNRCC has solicited informal comments on the proposal, and the proposal is expected in April 2000. *For further information, please contact Ray Henry Austin, TNRCC, at (512) 239-6814.*

Recyclable Used Oil Mixture Rules (30 TAC 312, 324, and 330). This rule will clearly state that used waste oil mixtures are regulated as a recyclable resource as opposed to a waste material. Publication of the proposed rule in the *Texas Register* should occur sometime in April 2000, and the rules should be adopted by the end of October 2000. *For more information, please contact Gary Trim, TNRCC, at (512) 239-6708.*

Water and Wastewater Operator Certification General Revisions (30 TAC 290). TNRCC is developing revisions to Chapter 290 to bring it into compliance with the SDWA Amendments of 1996. The rulemaking will include the review of Chapters 290 and 325. A proposal is expected to be published in May 2000.

STATE OF TEXAS ASSISTANCE

Environmental Violations Hotline. TNRCC has announced the creation of an Environmental Violations Hot Line that will make it easier for people in any part of Texas to report environmental violations by simply dialing a toll-free number (1-888-777-3186). Calls will automatically be routed to the TNRCC office in the region from which the call originates. *For further information, please contact Hazel Barbour, Manager of the Mobile Source Section, TNRCC, at (512) 239-1440.*

Counsel Comment: The Hotline program became operational on 24 January 2000 and applies to both stationary and mobile sources. Callers who report a violator do NOT receive any reward (monetary or non-monetary) for filing a report that may later become verified or lead to the payment of a penalty by the violator.

[NOTE: Current TNRCC regulatory information, including proposals, adoptions, and a rules tracking log, is available on TNRCC's web site at <http://www.tnrcc.state.tx.us/>.]

REGION VII STATE ACTIVITY

IOWA

Legislative/Regulatory Activity

The Iowa Legislature convened 10 January 2000 and is expected to adjourn 18 April 2000.

STATE OF IOWA LEGISLATIVE ACTIVITY

House File (H.F.) 353 – Landfill/Incineration Bans, Disposal Requirements. This bill prohibits the land disposal of corrugated cardboard. The bill, which was introduced and referred to the House Environmental Protection Committee on 24 February 1999, failed to meet the Committee reporting deadline 25 February 2000. The bill, therefore, is dead.

H.F. 2157 – Endangered Species. This bill limits the state endangered species list to certain fish, plants, and wildlife. The bill, which was introduced and referred to the House Natural Resources Committee on 4 February 2000, failed to meet the Committee reporting deadline 25 February 2000. The bill, therefore, is dead.

H.F. 2200 – Recycling (Used Oil Filters). This bill provides for the recycling of used oil filters and establishes fees. The bill, which was introduced and referred to the House Environmental Protection Committee on 9 February 2000, failed to meet the Committee reporting deadline 25 February 2000. The bill, therefore, is dead. The Companion Bill was Senate File (S.F.) 2098.

House Study Bill 225 – Water. This study bill mandates the Iowa Department of Natural Resources (IDNR) to initiate a comprehensive triennial review of the water quality standards in accordance with the federal CWA. The bill requires that, during the review period, the following be done: (1) the Department shall implement an interim strategy to address the issue of ammonia removal in permits issued under the Iowa NPDES Permitting Program, (2) if ammonia concentrations measured in the effluent are significantly higher than the current allowable limits, a permit holder shall plan modifications to the design of the facility to provide for ammonia removal, and (3) if the effluent is not deemed acutely toxic, IDNR shall not take enforcement action until the review period is completed. The bill further provides that when the review is completed, all permits shall be modified to reflect any changes in the effluent ammonia limits. This bill, which was introduced 5 March 1999, failed to meet the House Environmental Protection Committee reporting deadline 25 February 2000. The bill, therefore, is dead.

Senate File (S.F.) 368 – Endangered Species. This bill establishes civil and criminal penalties for illegal acts affecting endangered or threatened species of fish, plants or wildlife. The bill also changes the reviewing of the state endangered and threatened species list to every five years from two. The bill (formerly Legislative Service Bureau 1216) passed the Senate in March 1999 and was referred to the House Natural Resources Committee that same month. It is reported that prospects for this bill's passage are diminishing. Action has not been taken on the bill since it was referred to the House.

S.F. 2044 – Pesticide Application. This bill prohibits the application of a pesticide or fertilizer to property which is located in a city and which is within 25 feet of a water of the state. The bill provides that a person who violates this prohibition is subject to a civil penalty of \$500 for each violation. The bill exempts the application of a pesticide or fertilizer to property which is agricultural land that is principally used for farming. The bill failed to meet the Senate Agriculture Committee reporting deadline 25 February 2000 and is therefore dead.

S.F. 2098 – Recycling (Used Oil Filters). This bill prohibits sanitary landfills from accepting waste oil filters for disposal. The bill failed to meet the Senate Natural Resources and Environment Committee reporting deadline 25 February 2000 and is therefore dead.

S.F. 2299 – Endangered Species. This bill requires IDNR to submit a report to the general assembly by 15 December 2000 explaining the methodology used to determine which animals and plants are on the state endangered species list. The report also needs to include all of the fish, plants and wildlife that are on the state list. This bill replaces S.F. 2100, which limited the state list of endangered and threatened species to fish, plants, and wildlife listed by the federal government as endangered or threatened. It is reported that this bill, which was

approved by the Senate Natural Resources and Environmental Committee, is likely to pass the Senate due to a favorable report by the Committee. A copy of the bill is available at <http://www.legis.state.is.us/GA/78GA/Legislation/SF/02200/SF02299/Current.html>.

STATE OF IOWA REGULATORY ACTIVITY

There is no significant regulatory activity to report for this period.

STATE OF IOWA FINAL REPORT

Air Toxics Recommendations (final report published 31 January 2000). IDNR is discussing possible amendments to its air toxics rules. Iowa is one of 14 states that do not have a comprehensive air toxics program. In its report, IDNR concluded that 23 compounds exceed the cancer benchmark in at least one census tract in Iowa. However, the Department also decided that it lacked the data to make specific regulatory recommendations. The Department is calling for the completion of a statewide emissions inventory, the creation of an ambient monitoring network, and a comprehensive education program to inform citizens about air toxics and how they can improve air quality. IDNR will outline a regulatory program to reduce ambient concentrations of air toxics when it has data from the inventory and monitoring programs. For further information, please contact Brian Button, IDNR, at (515) 281-7832.

STATE OF IOWA DISCUSSION

Review of Title V Fee Structure. IDNR will conduct a review of its Title V fee structure in the year 2000. The Department will investigate whether the current fee structure of basing Title V fees on \$/ton of actual emissions is fair and reasonable, or whether another fee structure would be better. For more information, please contact Corey McCoid, IDNR, at (515) 281-4801.

Counsel Comment: In response to complaints from business groups about the "equitableness" of the fee structure, IDNR has now begun a review of that structure. The review should be completed in 3 to 6 months, so that the results can be incorporated and effective for the next fee billing cycle (summer 2001).

[NOTE: General information regarding IDNR and its various programs, including a status report on proposed rules, draft rules, adopted rules awaiting publication, and recently adopted rules, is available on IDNR's web site at <http://www.state.ia.us/government/dnr/index.html>.]

KANSAS

Legislative/Regulatory Activity

STATE OF KANSAS LEGISLATIVE ACTIVITY

The Kansas Legislature convened on 10 January 2000 and will adjourn on 8 April 2000.

H.B. 2698 – Solid Waste, Environmental Procedures. This bill prohibits the issuance of permits to construct or operate a regional solid waste processing facility or disposal area without approval of qualified electors of the county where the facility would be located. The bill was referred to the House Local Government Committee on 25 January 2000, and a hearing was held 15 February 2000. The bill died after failing to meet the crossover deadline 25 February 2000. A copy of the bill is available at http://www.ink.org/public/legislative/display_bill.cgi?bill=2698&year=2000&doc=bill.

H.B. 2734 – Solid Waste. This bill requires inspection of solid waste processing facilities or solid waste disposal areas prior to processing or disposal. It also requires persons importing solid waste into the state or operating a solid waste disposal area to file a surety bond with the Secretary of Health and Environment. Finally, the bill defines "processing." The bill was referred to the House Environment Committee on 28 January 2000, and it died after failing to meet the crossover deadline 25 February 2000. A copy of the bill is available at http://www.ink.org/public/legislative/display_bill.cgi?bill=2734&year=2000&doc=bill.

H.B. 2860 – Solid Waste. This bill authorizes KDHE to implement new waste processing techniques that reduce waste volume by recovering materials or energy or by converting waste into reusable by-products. The bill prohibits receipt of state funding by any county or regional authority which fails to perform an annual solid waste plan review.

The bill expands the authorized use of solid waste management fund grants, and imposes a tonnage fee of \$1 for each ton on waste tires. The Secretary of KDHE is allowed to waive the tonnage fee when large quantities of wastes are generated on account of natural disasters. The House Environment Committee passed this bill on 18 February 2000, and the House of Representatives passed a revised bill on 24 February 2000. The bill continues to exempt the federal government from the solid waste fee. Specifically, the bill clarifies that "all government units would be exempt from the payment of the statewide tipping fee for construction and demolition waste." This bill was referred to the Senate Energy and Natural Resources Committee on 25 February 2000. It is reported that this bill is likely to receive consideration in the Senate. The measure is sponsored by the Committee as a whole, indicating bipartisan support in the Legislature.

Regional Environmental Coordinator (REC) Comment: The State of Kansas does not expect federal facilities to pay the tonnage fee. It is a waste of their resources to fight this issue in court.

S.B. 388 – Water, Groundwater. This bill creates a "water banking" system by which a private, not-for-profit corporation may moderate water use within a watershed by accepting water rights deposits within a watershed and leasing these water rights on deposit to prospective users. The bill passed the Senate 24 February 2000 and was referred to the House the following day. It is reported that this bill is likely to receive consideration in the House. Legislative sources indicate bipartisan support for this measure in both chambers. *A copy of the bill is available at http://www.ink.org/public/legislative/display_bill.cgi?bill=388&year=2000&doc=bill.*

STATE OF KANSAS FINAL RULE

Financial Assurance Amendments to Raise Fees for Landfills (Article 29; published 30 December 1999). KDHE has adopted amendments to its solid waste rules regarding financial assurance. According to staff, these regulations do not impose requirements on any new regulated constituency. However, they raise the fees for solid waste landfills. These amendments were effective 24 February 2000. *For further information, please contact George McCaskill, KDHE, at (785) 296-1606.*

REC Comment: KDHE does not expect any increase in costs to installations as a result of requirements of this new rule.

STATE OF KANSAS ADVANCE NOTICE OF PROPOSED RULEMAKING

Military Munitions Rule. KDHE will include the Military Munitions Rule with their next update of RCRA rules, which is expected to occur in 2000 or 20001. Language in the proposed rule is expected to be identical to language in the federal rule. *For further information, please contact Mustafa Kamal or George McCaskill, KDHE, at (785) 296-1606.*

[NOTE: General information regarding KDHE and its various programs, including access to rules and regulations, is available on KDHE's web site at <http://www.kdhe.state.ks.us/>.]

MISSOURI

Legislative/Regulatory Activity

STATE OF MISSOURI LEGISLATIVE ACTIVITY

The Missouri Legislature convened on 5 January 2000 and will adjourn on 12 May 2000.

H.B. 1439 – Waste, Landfill/Incinerator Bans. This bill permits yard waste disposal if it is mixed with solid waste collected as part of a comprehensive neighborhood or city-wide cleanup program sanctioned by a municipality. A public hearing was held 10 February 2000. It is reported that prospects for this bill's passage are unclear. *The text of this bill is available on the Internet at <http://www.house.state.mo.us/bills00/biltxt00/intro00/HB1439I.htm>.*

H.B. 1550 – Solid Waste, Hazardous Waste, Water. This bill prohibits the Missouri Department of Natural Resources (MDNR) from having rules on solid waste disposal, hazardous waste management, land reclamation, air conservation and clean water that are stricter than federal regulations. It is reported that prospects for this bill's consideration are unfavorable. The companion bill is S.B. 750. *The text of this bill is available on the Internet at <http://www.house.state.mo.us/bills00/biltxt00/intro00/HB1550I.htm>.*

H.B. 1841 – Noxious Weeds. This bill requires the use of methods to contain and eradicate cut-leaved teasel, common teasel, and kudzu vine. The bill was reported from the House Agriculture Committee “do pass” on 16 February 2000. A copy of this bill is available at <http://www.house.state.mo.us/bills00/bills00/HB1841.htm>.

H.B. 1913 – Water, Permitting (General). This bill extends the sunset for clean water permit fees from 31 December 2000 to 31 December 2003. It is reported that prospects for this bill’s consideration are favorable. A copy of the bill is available at <http://www.house.state.mo.us/bills00/bills00/HB1913.htm>.

H.B. 1927 – Water, Permitting (General). This bill establishes a fee schedule for water pollution permits. A hearing was held 24 February 2000, and it is reported that this bill is likely to be considered further. A copy of the bill is available at <http://www.house.state.mo.us/bills00/bills00/HB1927.htm>.

S.B. 750 – Solid Waste, Hazardous Waste, Water. This bill prohibits MDNR from having rules on solid waste disposal, hazardous waste management, land reclamation, air conservation and clean water that are stricter than federal regulations. The bill was referred to the Senate Commerce and Environment Committee on 24 January 2000. It is reported that prospects for this bill’s consideration are unfavorable. The text of this bill is available on the Internet at <http://www.senate.state.mo.us/billtext/intro/SB750.htm>.

S.B. 983 – Water, Permitting (General). This bill provides that monies for the Natural Resources Protection Fund be collected by MDNR, and provides for permits to be issued to water treatment facilities which pose minimal threat to public health. The bill further establishes a permit fee schedule based upon flow rate and other factors. The bill was referred to the Senate Commerce and Environment Committee on 14 February 2000. It is reported that prospects for this bill’s consideration are unclear. A copy of the bill is available at <http://www.senate.state.mo.us/billtext/intro/SB983.htm>.

S.B. 995 – Emissions, I&M Programs. This bill allows the Missouri Air Conservation Commission to temporarily suspend the motor vehicle emissions inspection program. The bill was referred to the Senate Commerce and Environment Committee 14 February 2000, and a hearing scheduled. It is reported that prospects for this bill’s passage are favorable. A copy of the bill is available at <http://www.senate.state.mo.us/bills/SB995.htm>.

S.B. 1003 – Sewage. This bill requires the Department of Health to promulgate rules regulating on-site sewage treatment systems. The bill also allows political subdivisions to regulate on-site sewage treatment systems. The bill was reported to the Senate Public Health and Welfare Committee 28 February 2000. It is reported that prospects for this bill’s consideration are favorable. A copy of the bill is available at <http://www.senate.state.mo.us/bills/SB1003.htm>.

STATE OF MISSOURI FINAL RULES

Water Administrative Penalties (10 CSR 20-03.010; published 1 February 2000). MDNR has adopted amendments to its administrative penalties rules. The amendments ensure that the Water Division’s rules are consistent with other MDNR and state law. The amendments also establish procedures for assessing administrative penalties, and rescind the old regulation regarding administrative penalties. This rule was effective 1 March 2000. For further information, please contact Jim Kavanaugh, MDNR, (573) 751-4817.

UST Rule Amendments (10 CSR 20-10; published 1 February 2000). MDNR has adopted amendments to its underground storage rules. The amendments primarily adopt several recent federal adoptions, make clarifications to existing rules and rescind a number of rules being promulgated by the Petroleum Storage Tank Insurance Fund Board of Trustees. MDNR adopted the amendments with some minor amendments, with one exception. The rule amending 10 CSR 20-10.068, risk-based cleanup levels, was withdrawn. The Department decided that the factors prioritizing approaches to cleanup needed further study. This rule will become effective 30 March 2000. For further information, please contact Tim Eiken, MDNR, at (573) 526-2737.

Adoption of Federal New Source Performance (NSP), MACT and NESHAPs (10 CSR 10-6.070, .075, .080; published 15 February 2000). MDNR has adopted amendments to its air rules to adopt recent federal amendments to the NSP regulations, NESHAPs and MACT program. The amendments adopt the federal standards through 31 December 1998. This rule was effective 16 March 2000. For further information, please contact Jim Kavanaugh, MDNR, at (573) 751-4817.

STATE OF MISSOURI PROPOSED RULES

Transition Plan for I&M (10 CSR 10-5.380; published 1 January 2000). MDNR has adopted an emergency amendment detailing the transitional program which began 1 January 2000 and will end when the centralized test-only emissions inspection stations begin emissions inspections. The transitional program will allow St. Louis area vehicle owners to register their vehicle with a deferred emissions inspection. MDNR is proposing to adopt its emergency regulations as permanent. *For further information, please contact Roger Randolph, MDNR, at (573) 751-4817.*

Restriction of Emission of Particulate Matter from Industrial Processes (10 CSR 10-6.400; published 15 February 2000). MDNR is proposing to restrict the emission of PM during industrial processes. The regulation applies to any operation in which the products of combustion do not come into direct contact with process materials, the burning of refuse, and the processing of salvageable materials by burning. There are some limited exceptions. A public hearing is scheduled for 30 March 2000 and written comments are due 6 April 2000. *For further information, please contact Roger Randolph, MDNR, at (573) 751-4817.*

Effluent Limits (10 CSR 20-7.015; published 1 February 2000). The proposed rule would amend effluent limits. For lakes which are primarily used for public drinking water supplies, the proposed rule would bar domestic or industrial wastewater sources regulated by the effluent rules. For the Mississippi and Missouri Rivers, Wild and Scenic Rivers, and Ozark National Scenic Riverways and their drainages, the limits on total suspended solids for combined sewer overflow treatment devices would be relaxed. For Wild and Scenic Rivers and the Ozark National Scenic Riverways and their drainages, the exemption for the discharge of mine dewatering water would be deleted. The rule would also create a limited exception on pH limitations. A public hearing was held 15 March 2000, and written comments are due by 29 March 2000. *For further information, please contact John Madras, MDNR, at (573) 751-7428.*

2000 303(d) List (published 1 February 2000). MDNR is preparing its 2000 303(d) list of impaired waters in the state. MDNR has released the 1998 303(d) list with changes and the strategy for protection and cleanup. The Department held a second public comment period between 4 February 2000 and 3 March 2000 on the revisions. MDNR planned to submit its proposed 2000 303(d) list to the Missouri Clean Water Commission for approval on 15 March 2000. *For further information, please contact John Ford, MDNR, at (573) 751-7024.*

STATE OF MISSOURI DISCUSSIONS

Adoption of 1998 and 1999 federal RCRA Rules. MDNR has just begun discussions regarding its next RCRA update. This update would incorporate federal RCRA rules adopted between July 1997 and July 1999. The major items MDNR expects to address are the following: (1) post-closure rule, (2) hazardous waste identification for media, (3) Phase IV LDRs, and (4) MACT fast-track rules. The Department expects to begin the rulemaking process mid-2000 and have it completed by mid-2001. MDNR is still awaiting U.S. EPA's authorization for the Department's adoption of the 1997 RCRA rules. MDNR will submit its final rule for military munitions, universal waste, and used oil in the next round of U.S. EPA's authorizations. *For further information, please contact Tim Eiken, MDNR, at (573) 526-2737.*

[NOTE: General information regarding MDNR and its various programs is available on MDNR's web site at <http://www.dnr.state.mo.us/homednr.htm>.]

NEBRASKA

Legislative/Regulatory Activity

U.S. EPA PROPOSED RULE

Approval and Promulgation of Implementation Plans and Operating Permits Programs, and Approval Under Section 112(1) (65 FR 3168, 20 January 2000; 40 CFR Parts 52 and 70). The U.S. EPA proposed to approve the SIP revision submitted by the State of Nebraska that consists of updates to Title 129 – Nebraska Air Quality Regulations, Chapters 1, 2, 5-8, 10, 17, 22, 25, 34, 35, 41, and Appendix II. The state also requested approval of revisions adopted by the Lincoln-Lancaster County Health Department in Lincoln and by the City of Omaha. The U.S. EPA is also approving revisions to the agency's Part 70 operating permits program.

The U.S. EPA is approving (in the final rules section of the *Federal Register*) the state's SIP revisions as a direct final rule without prior proposal. If adverse comments were received by the 22 February 2000 deadline, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule. *For further information, please contact Wayne Kaiser, U.S. EPA, at (913) 551-7603.*

STATE OF NEBRASKA LEGISLATIVE ACTIVITY

The Nebraska Legislature convened on 5 January 2000 and is expected to adjourn on 12, 13 or 14 April 2000. All legislation was required to be introduced by 20 January 2000.

Legislative Bill (L.B.) 900 – Environmental Administrative Procedures. This bill, which merges the Department of Water Resources and the Nebraska Natural Resources Commission (effective immediately), has been declared one of two priority bills for the Natural Resources Committee. At the 19 January 2000 public hearing, those testifying in support of the measure included the Director of each of these two organizations. Amendment language added 8 February 2000 was technical in nature. The bill was advanced to the Select File, or second reading. It is reported that prospects for this bill's passage are excellent. *The text of this bill and amendments to the bill are available at http://www.unicam.state.ne.us/PDF/INTRO_LB900.pdf and http://www.unicam.state.ne.us/PDF/AM_2082.pdf.*

L.B. 1234 – Reformulated Fuels, Emissions. This bill repeals statutory provisions requiring reformulated gasoline sold in ozone nonattainment areas of the state as designated by the U.S. EPA to contain oxygen content equal to or greater than 3.1% by weight. Provisions of the bill include requiring gasoline sold in the state to contain renewable fuel content equal to or greater than (1) 2% by weight between 1 January 2001 and 1 January 2002; (2) 2.7% between 1 January 2002 and 1 January 2003; and (3) 3.5% beginning 1 January 2003. Several exemptions are provided. A public hearing on this bill was held 2 February 2000 and the bill was reported from the Natural Resources Committee on 25 February 2000. The sponsor has designated this as his "priority bill." It is reported that prospects for this bill's passage are favorable. *The text of this bill is available on the Internet at http://www.unicam.state.ne.us/PDF/INTRO_LB1234.pdf.*

STATE OF NEBRASKA FINAL RULE

Risk-Based Corrective Action for Leaking USTs (LUSTs) (Titles 118 and 200; published 3 June 1999). NDEQ had proposed amendments to its LUST regulations and remediation fund, sections 118 and 200, respectively. The amendments (1) add an appendix to the rules to allow for risk-based corrective action, and (2) update the rules to incorporate several statutory changes which have been enacted since the rules were promulgated in 1992. The Section 118 amendments were adopted 3 June 1999 and became effective 11 August 1999. NDEQ had also adopted the Section 200 amendments on 23 September 1999, but they were reviewed and rejected by the Executive Board. *For further information, please contact Mona Wunder, NDEQ, at (402) 471-2186.*

STATE OF NEBRASKA PROPOSED RULES

MACT Standards and Compliance Assurance Monitoring Program (Title 129; published 20 February 2000). NDEQ is proposing to amend Title 129 of its air quality regulations. The proposed amendments would adopt existing federal regulations pertaining to the CAM program and MACT standards. The revisions would also correct typographical errors and inconsistencies in the regulations. NDEQ believes the proposed amendments are minor and would be beneficial to the covered sources. A public hearing is scheduled for 23 March 2000, and written comments are due 22 March 2000. *For more information, please contact Susan Fields, NDEQ, at (402) 471-2189.*

Amendments to the Petroleum Release Remedial Action Reimbursement Fund Regulations (Title 200; published 20 February 2000). NDEQ is making a second proposal to amend Title 200 after the Executive Branch rejected the first proposal. This new proposed amendment would incorporate state legislative changes and certain recommendations by the Department's Technical Advisory Committee. The new proposed amendment would make some changes to the application procedures for reimbursement and would incorporate the \$1 million statutory limit for third party and State Miscellaneous Claims Act claims. A public hearing will be held 23 March 2000, and written comments are due 22 March 2000. *For further information, please contact David Chambers, NDEQ, at (402) 471-2186.*

[NOTE: General information regarding the Nebraska Department of Environmental Quality (NDEQ) and its various programs, including access to rules and regulations, is available on NDEQ's web site at <http://www.deq.state.ne.us/>.]

The Central Region Review is prepared by Diane Faile, Versar, Inc., in support of the CREO, to assist you in your compliance efforts. Questions regarding this document should be directed to Mr. Bart Ives, Army Region VI REC, at (816) 983-3450; or Mr. Steve Scanlon, Army Region VII REC, at (816) 983-3445. Both can be reached by fax at (816) 426-7414. Legal questions should be directed to Mr. G.T. Zolyak, Regional Counsel, at (410) 436-1275 or fax at (410) 436-1670. Current and past issues of CREO regulatory updates are available on the Internet at <http://aec.army.mil/> under "Regional Offices."



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